DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/0445
Henfield Sports Centre, Northcroft, Henfield, West Sussex, BN5 9QB

DESCRIPTION:
Prior notification for the installation of a solar photovoltaic array onto roof.

RELEVANT PLANNING HISTORY:

DC/23/1177	The installation of 2no. canopy covered padel courts	Application Permitted on 12.01.2024
DC/14/2229	Extension to provide 'soft play' children's facilities, improved canteen and toilets with new entrance to main hall including a lift.	Application Permitted on 06.02.2015

DETAILED DESCRIPTION:

This notification concerns the proposed installation of a 212x solar photovoltaic (PV) panels to the southern roof-slope of Henfield Leisure Centre with an indicated generation capacity of 90kW. The notification is submitted pursuant to Class J, Part 14, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and seeks a determination from the Local Planning Authority as to whether its 'prior-approval' is required as to the design and external appearance of the proposed development or the impacts of glare upon occupiers of neighbouring land.

RELEVANT LEGISLATION:

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):-

- Class J, Part 14, Schedule 2 – 'Installation or alteration etc of solar equipment on non-domestic premises'

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

HDC - Environmental Health: No objection

[Summary] The Council's Environmental Health team responded to acknowledge the setting of the existing Leisure Centre within a domestic context, noting the presence of neighbouring dwellings at ~35m south-west of the existing Leisure Centre and ~65-70m to the respective east and south.

The siting of proposed PV panels, however, were considered unlikely to result in glare issues to nearby occupiers, despite the minimal information provided in support of the proposals.

The Council's Environmental Health team, however, did respond to advise that any transformers/substation equipment necessary to support the proposals [outside the scope of this notification] will require further consideration to ensure that local amenity is not impacted.

Parish Comments:
None received

Representations:
None received

HUMAN RIGHTS AND EQUALITY:
The notification has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

This notification has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT:-

'Class J' concerns the 'installation or alteration etc of solar equipment on non-domestic premises'. The Order confirms that 'permitted development' under Class J comprises the:-

> **J. The installation, alteration or replacement of—**
>
> **(a) microgeneration solar thermal equipment on a building;**
>
> **(b) microgeneration solar PV equipment on a building; or**
>
> **(c) other solar PV equipment on the roof of a building,**
>
> **other than a dwellinghouse or a block of flats.**

The details before the Authority indicate that proposed solar PV array would provide for a generation capacity of 90kW. The proposed array, therefore, exceeds the definition of 'microgeneration' as defined at Paragraph P of Part 14, which references the definition of microgeneration at Section 82, Part 2 of the Energy Act 2004 as limited to 50kW. The development subject of this notification, therefore, stands to be considered pursuant to paragraph J.(c) of Class as 'other solar PV equipment'.

Development permitted by Class J is subject to certain limitations, as described at Paragraph J.1:-

> **J.1 Development is not permitted by Class J if—**
>
> **(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;**
>
> **(b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);**
>
> **(c) the solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;**
>
> **(d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;**

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

(f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

Paragraphs J.1(d-f) are not relevant to the proposals as the buildings is not located within Article 2(3) land, neither is a scheduled a monument and/or Listed Building. Paragraph J.1(b), similarly, is irrelevant as proposed PV equipment is to be installed atop a pitched-roof.

The submitted solar-panel layout plan indicates that proposed solar PV equipment is to be installed beyond 1m of the Leisure Centre eaves, with the submitted application form indicating that proposed equipment would not project more than 20cm beyond the plane of the existing roof-slope. The information before the Authority, therefore, indicates that the proposal would not contravene the limits at Paragraphs J.1(a) and/or J.1(c).

The indicated generation capacity of 90kW, further, would not contravene the 1mW limit imposed by Paragraph J.3, as relevant for development considered against J.(c).

Paragraph J.4(2) of Class J necessitates that development under J.(c) must, first, obtain a determination from the Local Planning Authority as to whether the Authority's prior-approval is required as to the matters of design/external appearance and anticipated effects of glare upon neighbouring occupiers:-

J.4(2) Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

Design and External Appearance:

Henfield Leisure Centre is a large modern building of utilitarian character. The building is constructed to a notable height, with eaves at a level roughly equivalent to the ridge-height of neighbouring dwellings on Northcroft, incorporating an 'off-centre' shallow dual-pitched roof. The 'off-centre' nature of the roof construction provides of a significant southwards facing slope, likely informing the suitability of the building to host an array of the type proposed.

The existing building is not considered to possess any particular architectural and/or design merit, neither to make a positive contribution to the character and appearance of its respective surroundings. The installation of the proposed array, therefore, is not considered inappropriate to the utilitarian character which the building possesses, or to detrimentally influence the external appearance of the Leisure Centre.

It is expected that the proposed array would prove visible within public perspectives to the south of site on Northcroft and Kingsfield Playground in addition from Henfield Cemetery to the adjacent south-west. The height of the array above ground level and shallow-pitched nature of the existing roof-slope, however, would ensure that the proposed array would not prominently feature within public views and to an extent which would considered harmful to the wider character and appearance of the site surroundings. In terms of design and external appearance, therefore, it is considered that the proposed array is acceptable and that the 'prior-approval' of the Authority is not required in this regard.

Glare:

The Leisure Centre building does sit within a suburban context where a number of existing dwellings are present in the vicinity of the site. The proposed array, however, is not excessively proportioned, with the submitted layout plan indicating that this would only occupy ~50% of the existing south-facing roof slope. The height of the proposed array, above the second floor windows of existing dwellings on Northcroft, further, would likely act to substantially lessen likely exposure to glare.

While it cannot be definitively excluded on the information available that neighbouring occupiers would not experience any exposure to glare as a result of the proposals, it is not considered likely that the duration of exposure to glare would prove significant such as to be considered objectionable or to warrant the submission further details. It is considered, therefore, that the prior approval of the Authority is not required in respect of the impacts of glare upon occupiers of neighbouring land.

Other Matters:

The installation of solar PV equipment is not considered to materially influence demand for the use of mains-water resources. It is not considered, therefore, that the proposed development could result in a possible significant effect upon the Arun Valley Special Area of Conservation, Special Protection Area or Ramsar sites, such as to necessitate an application pursuant to Regulations 75-77 of the Conservation of Species and Habitats Regulations (2017) (as amended) as required by Article 3(1) of the Order.

The comments of the Council's Environmental Health team are noted in respect of the potential provision of supporting electrical infrastructure, including sub-station and/or transformer apparatus. This determination, however, is only in respect of the details provided with this application, which only concerns the installation of solar PV panels. This determination does not authorise any potential supporting electrical equipment associated with the proposed array, as confirmed by Paragraph J.4(10)(b). If external supporting equipment is necessary this may require planning permission on an individual basis. It is recommended that an informative be included to this effect.

Recommendation: Prior Approval Not Required

NOTE TO APPLICANT
The applicant is advised that this determination is solely in respect of the details provided with this notification. The Council's determination that its prior approval is not required in respect of those details does not authorise and/or permit operations outside of the scope of details submitted to the Authority. If any external ancillary equipment and or apparatus is necessary to service/support the proposed solar PV array, the applicant is advised that such operations may require planning permission.

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/24/0445
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	21.03.2024
Details plan	Solar Panel Layout	NONE	29.04.2024

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 03.05.2024

Authorising Officer sign/initial Adrian Smith Date: 03/05/2024